



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPL. NO. : 10/682,139 CONFIRMATION NO. : 1357
APPLICANT : Baker
FILED : October 9, 2003
TC/A.U. : 3742
EXAMINER : Van, Quang T.
DOCKET NO.: 57690.010153
CUSTOMER NO. :

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DECLARATION UNDER 37 C.F.R. § 1.131

I, Mark Baker, as an inventor of the invention disclosed and claimed in the above-identified patent Application, declare that I conceived the invention and reduced it to practice prior to December 12, 2002, the filing date of Langen, Publication No. U.S. 2003/0106899 A1, titled "CONTAINER FOR MICROWAVE POPCORN AND METHOD AND APPARATUS FOR MAKING THE SAME".

I understand that the claims of our patent Application have been rejected, based at least in part on the Examiner's contention that Langen discloses, in Figure 23, "a container for microwave popcorn comprising a generally rectangular shaped paperboard blank folded along crease lines to form a bottom-portion (O), a first-side portion (P), a top portion (M), and a a second side portion (N) wherein said top portion (M) and said first side portion (P) are adapted to

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be attached so as to form a cube having opposed, open sides; and a first collapsible side (C,E) and a second collapsible side (D, F) each adapted to substantially cover one of said opposed, open sides of said cube when said collapsible microwave cooking container is in an expanded condition; wherein each of said first collapsible side (C, E) and said second collapsible side (D, F) comprise an outwardly extendable tab (G, H) for use in removing said collapsible microwave cooking container from a microwave oven after heating."

My original conception date was at least as early as June 27, 2002, as evidenced by Exhibit 1 (SSCC Record of Invention), which illustrates a blank for the collapsible microwave cooking container which is substantially identical to Fig. 1 of the present Application. The blank illustrated includes webbed and gusseted corners to prevent leaking, "heat tabs" for easy removal from the microwave, and overlapping locking tabs with slots.

In view of the foregoing, I submit that the COLLAPSIBLE MICROWAVE POPCORN BOX disclosed, and claimed in Claims 1 through 14 in the above identified Application, was both conceived and reduced to practice at least as early as June 27, 2002, and thus prior to the filing date of Publication No. U.S. 2003/0106899 A1.

I declare that all statements made here of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under §1001 of Title 18 of the United States Code and that any such willful false statements may jeopardize the validity of the Application or any patent issued as a result of the Application.

Dated: _____

11/8/2004

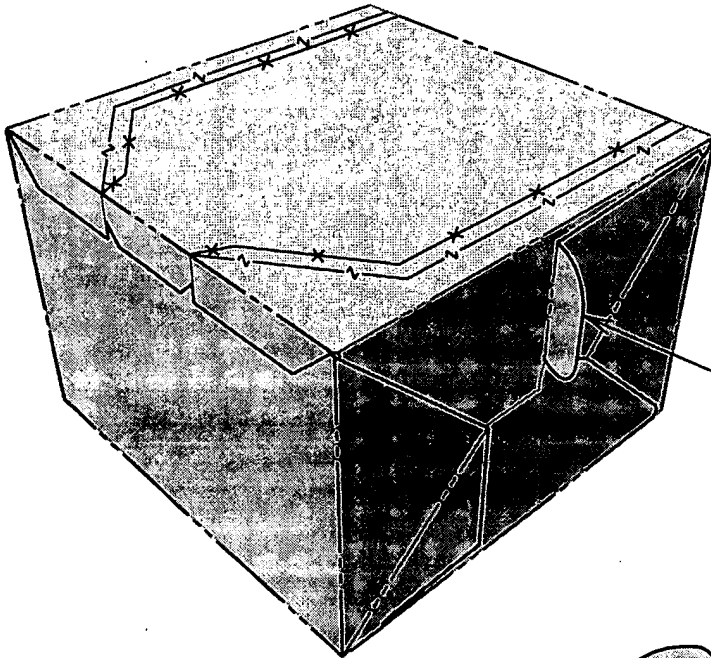

Mark Baker

RECORD OF INVENTION



Smurfit-Stone
Consumer Packaging Division

**TITLE: Perfect Popper
Microwave Popcorn Box**
Plant#: 403 Date: 7/30/02



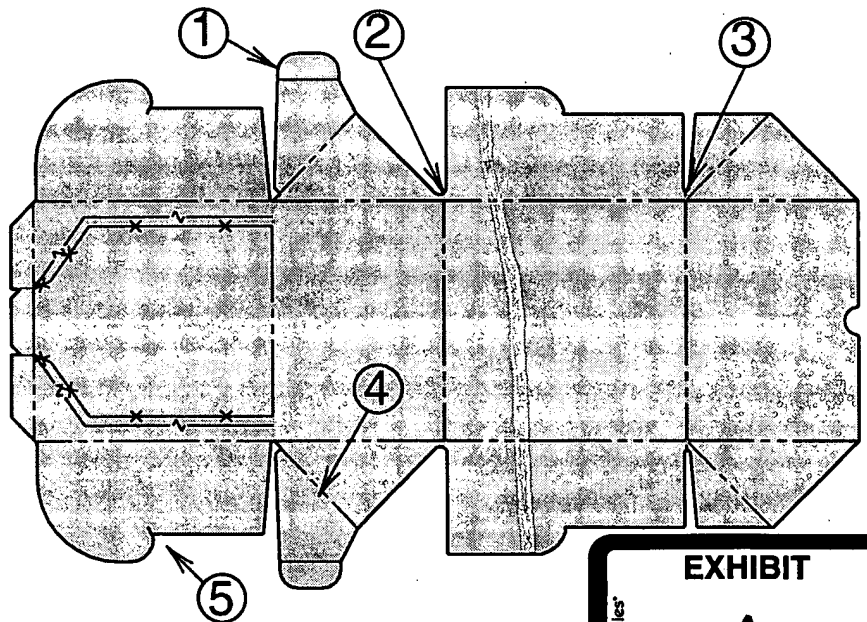
(1) Added "Heat Tabs" for easy/safe removal from microwave oven when hot.

(2) Developed leak resistant, radiussed, gusseted back corners.

(3) Created leak resistant, "webbed" front corners.

(4) Changed angle of diagonal fold to achieve "early" engagement of center locks.

(5) Developed overlapping side locks to improve seal on side panels and minimize "venting", and in turn optimize "pop volume".



EXHIBIT

1

REQUIRED INFORMATION

CONCEPTION	<u>6/27/02</u>
FIRST SKETCH OR DRAWING	<u>6/27/02</u>
FIRST DISCLOSURE TO OTHERS	<u>6/27/02</u>
FIRST WRITTEN DESCRIPTION	<u>7/30/02</u>
REDUCTION TO PRACTICE	<u>6/27/02</u>
FIRST PUBLIC USE OR SALE	<u>10/16/02</u>

SIGNATURE _____
OF _____
INVENTORS _____

REMARKS

CONCEPTION	_____
FIRST DRAWING	<u>CAD drawings</u>
FIRST DISCLOSURE	<u>CAD samples to M. Ziembo / J. Little</u>
WRITTEN DESCRIPTION	<u>This record</u>
REDUCTION TO PRACTICE	<u>CAD samples</u>
FIRST PUBLIC USE OR SALE	<u>Trial Run - 10/10/02</u>

DISCLOSED TO AND UNDERSTOOD BY: _____
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